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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,589	03/12/2007	Fiorenzo Draghetti	U 016297-5	7404
140 7590 08/17/2009 LADAS & PARRY LLP 26 WEST 61ST STREET NEW YORK, NY 10023				
EXAMINER				
SINGH, KAVEL				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
08/17/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/579,589

**Applicant(s)**

DRAGHETTI ET AL.

**Examiner**

KAVEL P. SINGH

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Cristian U.S. Patent No. 4,640,013.

Claim 1, Cristian teaches a substantially cylindrical shell (as shown in 16) having a longitudinal axis (along 4) and a transverse reference plane (face of 4), and rotating about said longitudinal axis (along 4); a succession of seats (12) formed, parallel to said longitudinal axis (along 4), on the outside of said shell (16) and equally spaced about said longitudinal axis (along 4); wherein each said seat (12) receives a respective filter portion (11), and at least some of said filter portions (11) are offset laterally, along the relative said seats (12), with respect to said reference plane (face of 4); and centring means (17) which act on each laterally offset filter portion (11) to centre it, along the relative seat (12), with respect to said reference plane (face of 4); wherein the centring means (17) are fitted to said shell (16) to rotate with the shell (16) about said longitudinal axis (along 4), and comprise, for each said seat (12), a stop member (3) located on a respective side of said reference plane (face of 4) to define a centred position of the relative said filter portion (11), and push means (20) for moving the relative said filter portion (11) axially onto the relative said stop member (3); the centring

drum is characterized in that the stop members (3) define a first and a second succession (23,24) of stop members (3), which successions (23,24) are located on opposite sides of said reference plane (face of 4) and are intercalated so as if one seat (12) is engaged by a stop member (3) of a succession (23,24), the two adjacent seats (12) are engaged by two stop members (3) of the other succession (23,24); and adjusting means (21) are provided to move said two successions (23,24) equally and oppositely along said longitudinal axis (along 4) Fig. 1.

Claim 2, Cristian teaches said push means (29) are pneumatic means C5 L30-32.

Claim 3, Cristian teaches said push means (29) are suction means (through 25,26,27,28) which come out inside the relative said seat (12), on the same side of said reference plane (face 4) as the relative said stop member (3).

Claim 4, Cristian teaches said stop member (3) comprises a finger (14) housed in axially sliding manner inside the relative said seat (12), and having an end surface facing said reference plane (face of 4) and defining a stop surface for the relative said filter portion (11).

Claim 5, Cristian teaches said push means (29) are suction means which come out inside the relative said seat (12) at said end surface (Fig. 1).

Claim 6, Cristian teaches said push means (29) comprise a suction hole (25,26,27,28) which comes out inside the relative said seat (12), beneath the relative said finger (14); and a groove (Fig. 1) formed along said finger (14), communicating with the relative said suction hole (25,26,27,28), and terminating at said end surface (end of 4).

Claim 7, Cristian teaches the stop members (3) in each said succession are integral with one another Fig. 1.

Claim 8, Cristian teaches said first and said second succession (23,24) respectively comprise a first and a second annular body (120) which are coaxial with said longitudinal axis (along 4), are located axially outwards of said seats (12) and on opposite sides of said reference plane (face of 4), and connect the relative said fingers (14) to one another; said first and said second annular body (120) being movable axially with respect to said shell (16), and being fitted to said adjusting means (21).

Claim 10, Cristian teaches said filter portions (11) define a double filter (11) for cigarettes.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim(s) \*\*\* is/are rejected under 35 U.S.C. 103(a) as being unpatentable over \*\*\* U.S. Patent No. \*\*\* in view of \*\*\* U.S. Patent No. \*\*\*.

Claim 9, Cristian teaches said adjusting means (21) comprise at least one first screw-nut screw coupling (does not show), in turn comprising a screw (does not show) extending parallel to said longitudinal axis (along 4), and a nut screw (does not show) formed through said first annular body (120); at least one second screw-nut screw

coupling (does not show) operating in the opposite direction to said first screw-nut screw coupling (does not show), and in turn comprising a screw (does not show) extending parallel to said longitudinal axis (along 4), and a nut screw (does not show) formed through said second annular body (120); and a ring gear (7) coaxial with said shell (16) and mounted to rotate, with respect to said shell (16), about said longitudinal axis (along 4); each said screw (does not show) being fitted integrally with a relative pinion (19); each said pinion (19) meshing with said ring gear (7), and actuating means (C3 L20-21) being provided to impart to said ring gear (7) a given, adjustable rotation about said longitudinal axis (along 4). Cristian does not teach the actual use of screws and nuts, but it is know to one of ordinary skill that screws, nuts, and bolts are common in to assembly parts together.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Kavel P. Singh whose telephone number is (571) 272-2362. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

KPS